

REMARKS

The Non-final Office Action mailed November 14, 2007, has been received and reviewed. Prior to the present Office Action, claims 1-36 were pending in the subject application. Applicant has amended claims 1, 6, 7, and 8, as previously set forth and cancelled claim 5 without prejudice or disclaimer. Accordingly, claims 1-4 and 6-36 remain pending. Reconsideration of the above-identified application in view of the above amendments and the following remarks is respectfully requested.

Summary of Examiner Interview

Applicant thanks Examiner Guertin for the in person interview conducted on January 10, 2008. The differences between the cited art and the independent claims were discussed. Proposed amendments to the claims were discussed, along with the pending rejection of the independent claims.

Rejections based on 35 U.S.C. § 103

A.) Applicable Authority

Title 35 U.S.C. § 103(a) declares, a patent shall not issue when “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” The Supreme Court in *Graham v. John Deere* counseled that an obviousness determination is made by identifying: the scope and content of the prior art; the level of ordinary skill in the prior art; the differences between the claimed invention and prior art references; and secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1 (1966).

To support a finding of obviousness, the initial burden is on the Office to apply the framework outlined in *Graham* and to provide some reason, or suggestions or motivations found either in the prior art references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the prior art reference or to combine prior art reference teachings to produce the claimed invention. See, *Application of Bergel*, 292 F. 2d 955, 956-957 (1961). Thus, in order “[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success [in combining the references]. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” See MPEP § 2143. Recently, the Supreme Court elaborated, at pages 13-14 of *KSR*, it will be necessary for [the Office] to look at interrelated teachings of multiple [prior art references]; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by [one of] ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the [patent application].” *KSR v. Teleflex*, 127 S. Ct. 1727 (2007).

B.) Obviousness Rejection Based on U.S. Patent 7,224,891 to Jam in view of U.S. Patent 6,714,650 to Maillard.

Claims 1-11 have been rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent 7,224,891 to Jam (hereinafter “the Jam reference”) in view of U.S. Patent 6,714,650 to Maillard (hereinafter “the Maillard reference”).

Independent claim 1, as herein amended, recites a display driver to display a file stream, comprising: a display driver module having a bitmapped frame buffer, the display driver module controlling the display; and a decoder to transform the file stream and store the transformed file stream in the bitmapped frame buffer of the display driver module, the display driver adapted to process data in the bitmapped frame buffer to generate the display, wherein the file stream contains metadata to change display features of the file stream, said display features comprising at least one of: video refresh rate data, resolution data, or close captioning data.

Features of cancelled claim 5 have been incorporated into independent claim 1. Additionally, limitations regarding the metadata contained in the file stream have been added to independent claim 1. Support for these limitations regarding metadata can at least be found in the *Specification* at paragraph 0032.

In light of the amendments to claim 1 herein, claim 1 distinguishes over the Jam and Maillard references as discussed in the Examiner interview and thus the rejections are rendered moot. Applicant respectfully requests withdrawal of the rejection of independent claim 1 under 35 U.S.C. §103(a). Independent claim 1 is believed to be in condition for allowance and such favorable action is respectfully requested.

Claim 5 has been cancelled by way of the present communication and thus the rejection of this claim has been rendered moot.

Claims 2-4 and 6-11 depend, either directly or indirectly, from independent claim 1 and are patentable for at least the reasons of claim 1. Moreover, each includes additional limitations not found in the cited references in the context of claim 1. For example, claim 3 recites wherein the display driver is adapted to perform the steps comprising: determining if a user has authorization if digital rights management has been applied to the file stream; and if the

user has authorization, performing the steps of transforming the file stream and storing the transformed file stream in the bitmapped frame buffer. The features of claim 3 are not taught or suggested in the Jam or Maillard references. As such, withdrawal of the 35 U.S.C. §103(a) rejections of claims 2-4, and 6-11 is respectfully requested. Each of claims 2-4 and 6-11 is believed to be in condition for allowance and such favorable action is respectfully requested.

c.) Obviousness Rejection Based on the Maillard reference in view of the Jam reference.

Claims 12-36 have been rejected under 35 U.S.C. §103(a) as being obvious over the Maillard reference in view of the Jam reference. As the Maillard reference and the Jam reference, whether taken alone or in combination, fail to teach or suggest all of the limitations of each of the rejected claims, a *prima facie* case of obviousness has not been established, and Applicant therefore respectfully traverses this rejection, as hereinafter set forth.

Independent claim 12 recites a method to drive a display driver of an encoded file stream comprising the steps of: receiving the encoded file stream; transforming the encoded file stream into a format of the display driver, thereby generating a transformed file stream; and storing the transformed file stream in the bitmapped frame buffer of the display driver.

By way of contrast, the Maillard reference is directed to a system for controlling the recording of received digital data by users to minimize the risk of pirated copies being made. *See, Maillard Reference*, at col. 1, lines 62-67. The Maillard reference accomplishes this by scrambling the data before transmission to the user and requiring a control word to unscramble the data after it has been received by the user. *Id.* at col. 2, lines 1-12.

The Office cites to col. 2, lines 31-43 for support of the capability of the Maillard reference to transform the encoded file stream into a format of the display driver, thereby

generating a transformed file stream. The Maillard reference only discloses a standard type of receiver/decoder adapted to receive broadcasted audio and/or visual data. *Id.* at col. 2, lines 31-35.

The Office takes the position that transforming a file format and descrambling a signal are synonymous. Applicant respectfully disagrees. For example, scrambling is defined by *Newton's Telecom Dictionary*, 23rd Ed., as "traditionally defined in the science of cryptology as an analog method of concealing communications signals which uses the process of heterodyne, band division, transposition, or signal inversion." *Newton's* at page 814. Descrambling would therefore include the reversal of the methods used to conceal the communications. Claim 12 is directed, in part, to the transforming of file streams into a format of a display driver. Further, no mention is made either in the definition of scrambling cited in *Newton's* or Maillard of changing the format of a file. Rather, it is submitted that scrambling uses different processes to manipulate the contents of a file, but does not change the format of the file. Manipulating the contents of a file and changing the format of a file are two entirely different processes.

Claim 12 recites transforming the encoded file stream into a format compatible to the display driver, and not descrambling the file stream. Maillard makes no mention, either expressly or inherently, of transforming the encoded file stream into a format of the display driver, thereby generating a transformed file stream.

Accordingly, it is respectfully submitted that the Maillard and Jam references, whether alone or in combination, fail to teach or suggest all of the limitations of amended independent claim 12 and thus, a *prima facie* case of obviousness cannot be established for this claim based on the Jam and Maillard references. *See, In re Vaeck*, 947 F.2d 488, 20 USPQ 2d 1438 (Fed. Cir. 1991). Applicant respectfully requests withdrawal of the rejection of

independent claim 12 under 35 U.S.C. §103(a). Independent claim 12 is believed to be in condition for allowance and such favorable action is respectfully requested

Claims 13-24 depend, either directly or indirectly, from independent claim 12 and are patentable for at least the reasons of claim 12. It is respectfully submitted that a *prima facie* case of obviousness based upon the Jam and Maillard references has not been established for claims 13-24 for at least the above-cited reasons. *See, In re Fine*, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) (a dependent claim is obvious only if the independent claims from which it depends is obvious); *see also*, MPEP § 2143.03.

Moreover, each of claims 13-24 include additional features not found in the cited references in the context of claim 12. For example, claim 19 recites wherein the display driver is adapted to perform the steps comprising: determining if a user has authorization if digital rights management has been applied to the file stream; if the user has authorization, performing the steps of transforming the file stream and storing the transformed file stream in the bitmapped frame buffer; and dropping the file stream without performing the steps of transforming the file stream into a format of the display driver module and storing the transformed file stream in the bitmapped frame buffer if the user does not have authorization. The features of claim 19 are not taught or suggested in the Jam or Maillard references. As such, withdrawal of the 35 U.S.C. §103(a) rejections of claims 13-24 is respectfully requested. Each of claims 13-24 is believed to be in condition for allowance and such favorable action is respectfully requested.

Independent claim 25 recites a method to apply digital rights management of data from the point of capture to the point of rendering comprising the steps of: capturing the data; storing the data directly into a frame buffer of an encoder; transforming the data in the frame buffer into an encoded media file; applying digital rights management to the encoded media file;

transmitting the encoded media file to a rendering device; unwrapping the digital rights management applied to the encoded media file; decoding the encoded media file into a driver frame buffer; and generating commands to control display components using data in the driver frame buffer.

By way of contrast, the Maillard reference is directed to a system for controlling the recording of received digital data by users to minimize the risk of pirated copies being made. *See, Maillard Reference*, at col. 1, lines 62-67. The Maillard reference accomplishes this by scrambling the data before transmission to the user and requiring a control word to unscramble the data after it has been received by the user. *Id.* at col. 2, lines 1-12.

The Office does not provide a citation for support of the Jam or Maillard references' capability of storing data directly into a frame buffer of an encoder. It is respectfully submitted that neither the Jam Maillard reference teach the storing of data directly into a frame buffer of an encoder.

The Office cites to col. 1, lines 7-24; col. 2, lines 19-30; col. 6 lines 4-23; and col. 6, lines 13-22 for support of the Maillard reference's capability of applying digital rights management to the encoded media file. It is respectfully submitted that these sections do not teach the applying of digital rights management to the encoded media file. The Maillard reference is directed to the transmission of scrambled digital data. *Id.* at col. 1, lines 7-24. Digital rights management is defined in the *Specification* as a set of technologies that content owners can use to protect their copyrighted materials and limit access to those materials to those parties having acquired a proper license to download the media content. *See, Specification*, at ¶ 0033. The transmission of scrambled digital data does not teach applying digital rights management to an encoded file.

The Office cites to Fig. 2 and col. 2, lines 18-43 for support for the Jam reference's capability of transforming the data in the frame buffer into an encoded media file. The Jam reference is at best directed to the transforming of media file into a frame buffer. *Id.* This is the exact opposite of transforming data in the frame buffer into an encoded media file. The Jam reference at best teaches *decoding* a media file into a frame buffer, but does not teach the *encoding* of a media file into a frame buffer. The steps of encoding and decoding a media file into a frame buffer are not equivalent or analogous, rather they are the exact opposite of each other and require a materially different disclosure to accomplish. Disclosure of decoding a media file does not inherently disclose the encoding of a media file by the same reference.

Accordingly, it is respectfully submitted that the Maillard and Jam references, whether alone or in combination, fail to teach or suggest all of the limitations of independent claim 25 and thus, a *prima facie* case of obviousness cannot be established for this claim based on the Maillard and Jam references. *See, In re Vaeck*, 947 F.2d 488, 20 USPQ 2d 1438 (Fed. Cir. 1991). Applicant respectfully requests withdrawal of the rejection of independent claim 25 under 35 U.S.C. §103(a). Independent claim 25 is believed to be in condition for allowance and such favorable action is respectfully requested.

Claims 26-36 depend, either directly or indirectly, from independent claim 25 and are patentable for at least the reasons of claim 25. It is respectfully submitted that a *prima facie* case of obviousness based upon the Jam and Maillard references has not been established for claims 26-36 for at least the above-cited reasons. *See, In re Fine*, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) (a dependent claim is obvious only if the independent claims from which it depends is obvious); *see also*, MPEP § 2143.03.

Moreover, each of claims 26-36 include additional limitations not found in the cited references in the context of claim 25. For example, claim 27 recites wherein the steps of capturing data, storing the data directly into a frame buffer of an encoder, transforming the data in the frame buffer into an encoded media file, and applying digital rights management to the encoded media file includes performing the steps of capturing data, storing the data directly into a frame buffer of an encoder, transforming the data in the frame buffer into an encoded media file, and applying digital rights management to the encoded media file on a same substrate. The features of claim 27 are not taught or suggested in the Jam or Maillard references. As such, withdrawal of the 35 U.S.C. §103(a) rejections of claims 26-36 is respectfully requested. Each of claims 26-36 is believed to be in condition for allowance and such favorable action is respectfully requested.

CONCLUSION

For at least the reasons stated above, claims 1-4 and 6-36 are believed to be in condition for allowance. As such, Applicant respectfully requests withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or ahale@shb.com (such communication via email is herein expressly granted) – to resolve the same.

It is believed that no fee is due in conjunction with the present amendment. However, if this belief is in error, the Commissioner is hereby authorized to charge any amount required, or credit any overpayment, to Deposit Account No. 19-2112, referencing attorney docket no. MFCP.122335.

Respectfully submitted,

/Adam G. Hale/

Adam G. Hale
Reg. No. 60,433

AGHZ
SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108-2613
816-474-6550